

JOSEPH N. GIELATA

ATTORNEY AT LAW

501 SILVERSIDE ROAD, SUITE 90

WILMINGTON, DELAWARE 19809

WWW.GIELATALAW.COM

TEL (302) 798-1096

FAX (302) 397-0730

August 10, 2005

BY ELECTRONIC FILING

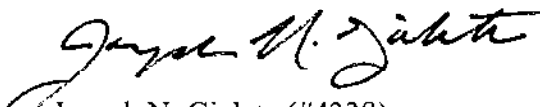
The Honorable Gregory M. Sleet
United States District Court
District of Delaware
The J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

**Re: *Benoit v. Hammonds, et al.*, Case No. 1:05-cv-361
(MBNA Corp. Derivative Litigation)**

Judge Sleet,

The Supreme Court of the State of Delaware has directed me to notify each court before which I have pending litigation that I was recently indicted on charges of theft and conspiracy to commit theft. I am innocent of these charges. Attached hereto is a copy of the two-count indictment, which I surmise concerns disputed contractual transactions dating back to late 2003 and related civil litigation which I commenced subsequently. If at any time this controversy threatens to impair my ability to prosecute this litigation, I will bring on co-counsel or substitute counsel.

Respectfully,


Joseph N. Gielata (#4338)

Enclosure

cc: Brian J. Robbins, Robbin Umeda & Fink LLP (by email)

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RULE 9 WARRANT/BOTH

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

V.

JOSEPH N. GIELATA
WAYNE CHEN

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)
)
)
)
)

INDICTMENT BY THE GRAND JURY
I.D.#0506021946
#0507018523

The Grand Jury of New Castle County charges JOSEPH N. GIELATA AND WAYNE CHEN with the following offenses;

COUNT I. A FELONY

#N _____

#N _____

THEFT in violation of Title 11, Section 841 of the Delaware Code of 1974, as amended.

JOSEPH N. GIELATA AND WAYNE CHEN, on or between November 25, 2003 and December 24, 2003, in the County of New Castle, State of Delaware, did take, exercise control over, or obtain, pursuant to a common scheme, United States Currency or other miscellaneous property valued in excess of \$1,000.00, belonging to Pay Pal, Inc., or another business or person, intending to deprive that business or person and/or the owner of the property, or to appropriate it.

COUNT II. A FELONY

#N _____

#N _____

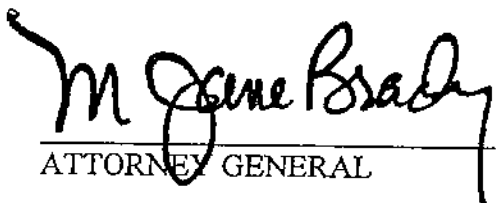
CONSPIRACY SECOND DEGREE in violation of Title 11, Section 512 of the Delaware

Code of 1974, as amended.

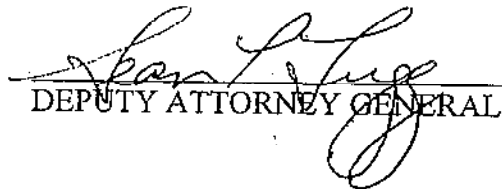
JOSEPH N. GIELATA AND WAYNE CHEN, on or between November 25, 2003 and December 24, 2003, in the County of New Castle, State of Delaware, when intending to promote or facilitate the commission of the felony of Theft, did agree with each other and/or Geoffrey Keston, to aid each other or another person or persons in the planning or commission of the felony or an attempt or solicitation to commit the felony, and one of them or another person, with whom they conspired, did commit an overt act in pursuance of the conspiracy.

A TRUE BILL

FOREPERSON



ATTORNEY GENERAL



DEPUTY ATTORNEY GENERAL